

From: KRALICK

Re: Groundwater Use Restriction
GIS Registry Data

Site Name/Address:

EAGLE MART
130 HIGH STREET
RANDOLPH, WI

BRRTS #: 03-14-116729

Date of Closure Decision: 7/27/00 (COND.)

GPS data: 6/18/02 (FINAL)

~~Y/N~~ Off-site Contamination

~~Y/N~~ Right-of-way Contamination

Packet Contains:

- ☒ Closure Letter
- ☒ Conditional closure letter
- ☒ All property deeds with 140 ES exceedances
- ☒ Groundwater Use Restriction
- ☒ Metes/bounds legal description (certified survey) ON DEED
- ☒ Tax parcel number ON GUR
- ☐ GPS data for each affected property NO
- ☒ General location map
- ☒ Detailed location map, showing all parcels affected by 140 ES exceedances, property boundaries, buildings, etc.
- ☒ Latest map showing gw flow direction, MW, potable wells. [optional: Isoconcentration maps of compounds => ES]
- ☐ Latest map showing extent or outline of contamination plume and gw flow direction NOT AVAILABLE
- ☒ Latest table of analytical results
- ☐ Geologic cross section NOT AVAILABLE



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary
Ruthe E. Badger, Regional Director

Horicon Service Center
N7725 STH 28
Horicon, Wisconsin 53032
Telephone 920-387-7860
FAX 920-387-7888

June 18, 2002

Mr. Werner Minnig
W10591 CTH "G"
Beaver Dam, WI 53916

Subject: Final Closure of Eagle Mart LUST Case Located at 130 High Street, Randolph,
Dodge County, Wisconsin
BRRTS ID # 03-14-116729

Dear Mr. Minnig:

On July 26, 2000 the South Central Region Case Closure Committee reviewed your site for closure. This committee reviews environmental remediation cases for compliance with state laws and standards to maintain consistency in the closure of these cases. On July 27, 2000, you were notified that the Closure Committee had granted conditional closure to this case.

On June 13, 2002, the Department received information indicating that you have complied with the conditions of closure. This additional information included a copy of the groundwater use restriction filed with the Dodge County Register of Deeds, as well as monitoring well abandonment reports and waste disposal confirmation. Previously, correspondence and data had been provided, indicating that your property has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation or other action is required at this time.

However, please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

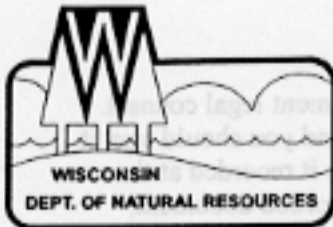
The Department appreciates your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at 920-387-7867, or at the e-mail address below.

Sincerely,

James Kralick, P.G.
Hydrogeologist, SCR Remediation & Redevelopment Program
James.Kralick@dnr.state.wi.us

cc: Horicon - LUST case file
Wendy Weihemuller - RR, SCR Fitchburg
Pete Chase, RMT, Inc., PO Box 8923, Madison, Wisconsin 53708-8923





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ruthe E. Badger, Regional Director

Horicon Service Center
N7725 STH 28
Horicon, Wisconsin 53032
Telephone 920-387-7860
FAX 920-387-7888

July 27, 2000

Werner Minnig
W10591 CTH G
Beaver Dam, WI 53916

SUBJECT: Conditional Closure Request, Eagle Mart, 130 High St., Randolph
BRRTS # 03-14-116729

Dear Mr. Minnig:

On July 26, 2000, your request for closure of the case described above was received and on June 26, 2000, it was reviewed by the South Central Region Closure Committee. This committee reviews environmental remediation cases for compliance with state rules and statutes to maintain consistency in the closure of these cases. After careful review of the closure request, the Closure Committee has determined that the petroleum contamination on the site from former gasoline underground storage tanks appears to have been investigated and actively remediated to the extent practicable under site conditions. Your case will be closed under s. NR 726.05, Wis. Adm. Code, if the following conditions are satisfied:

1. **MONITORING WELL ABANDONMENT** The monitoring wells and other remediation system wells and piping at the site must be properly abandoned in compliance with ch. NR 141, Wis. Adm. Code, unless long term groundwater monitoring is going to be conducted. If monitoring wells will not be immediately abandoned because future groundwater monitoring is planned, you will need to notify me of your monitoring plans in order to qualify for case closure. Documentation of well abandonment must be submitted to this office on forms provided by the Department of Natural Resources.
2. **WASTE AND SOIL PILE REMOVAL** Any remaining waste and/or soil piles generated as part of site investigation or remediation activities must be removed from the site and disposed of or treated in accordance with Department of Natural Resources' rules. Please send a letter advising me that any remaining waste and/or soil piles have been removed once that work is completed.
3. **GROUNDWATER USE RESTRICTION** Section NR 726.05(2)(b), Wis. Adm. Code, provides that if groundwater contamination still exceeds NR 140 enforcement standards when a closure request is submitted, a case may only be closed if a groundwater use restriction is recorded for each property where enforcement standards are exceeded (including street or highway rights-of-way). Therefore, recording the required groundwater use restriction is an option that the Department can offer to you in order to close this case. If you choose not to accept this option, you may be required to conduct additional groundwater monitoring and may choose to perform additional investigation and cleanup of the remaining contamination in order to qualify for unconditional closure. However, you should note that additional investigation or cleanup work may not be eligible for reimbursement from the Petroleum Environmental Cleanup Fund Award (PECFA) Program. You should contact the Department of Commerce to determine if the additional work will be eligible for reimbursement.

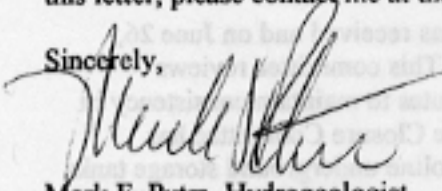
I will prepare a draft groundwater use restriction and have it reviewed by Department legal counsel. Once that is completed I will send the draft groundwater use restriction to you, and you should sign it if you own the property, or have the appropriate property owner sign it, and have it recorded at the Fond du Lac County Register of Deeds Office, and then submit a copy of the recorded document, with the recording information stamped on it, to me. Please be aware that if a groundwater use restriction is recorded for the wrong property because of an inaccurate legal description that you have provided, you will be responsible for recording corrected documents at the Register of Deeds Office to correct the problem.

When the above conditions have been satisfied, please submit a letter to let me know that applicable conditions have been met, and your case will be closed.

Please be aware that the case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, or welfare or to the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at the address listed above or as indicated below.

Sincerely,


Mark F. Putra, Hydrogeologist
Remediation & Redevelopment
Telephone: (920) 387-7867
Putram@dnr.state.wi.us

cc: C. Bartholomew, RMT Inc., P.O. Box 8923, Madison, WI 53708-8923

EXHIBIT A

VOL 1011 PAGE 586

882358

STATE BAR OF WISCONSIN FORM 1 - 1982
WARRANTY DEED

DOCUMENT NO.

This Deed, made between Werner Minnieand BUDGETMART, LLC

Witnesseth, That the said Grantee, for a valuable consideration,

conveys to Grantee the following described real estate in Dodge
County, State of Wisconsin:

All that part of Lots 1 and 2,
Block 1, Plat 1, of the Revised
and Consolidated Plat of the
Village of Randolph, lying
North of the alley running
through said Lots as now
located, in the Village of Randolph, Dodge County, Wisconsin.

THIS DEED IS GIVEN IN SATISFACTION OF THAT CERTAIN LAND CONTRACT
DATED JULY 1, 1997, AND RECORDED ON JULY 3, 1997, IN VOLUME 927
OF RECORDS AT PAGE 278, AS DOCUMENT NO. 847203.

This is not homestead property.

(a) (b) (c)

Together with all and singular the hereditaments and appurtenances thereto in anywise
And GRANTOR

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal
and zoning ordinances, recorded easements for public
utilities, recorded building and use restrictions and covenants,
and will warrant and defend the same.

Dated this 8th day of January, 1999

(SEAL)

Werner Minnie

(SEAL)

• Werner Minnie

(SEAL)

(SEAL)

AUTHENTICATION

Signature(s) Werner Minnieauthenticated this 8th day of January, 1999• Scott R. Reif

TITLE MEMBER STATE BAR OF WISCONSIN

(If not,
authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

SCOTT R. REIF, REIF & KENDALLRANDOLPH, WISCONSIN 53956(Signatures may be authenticated or acknowledged. Each are not
necessary.)

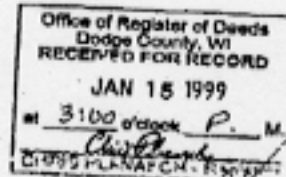
ACKNOWLEDGMENT

State of Wisconsin,

County:

Personally came before me this 19 day of January, 1999, the above namedto me known to be the person who executed the foregoing
instrument and acknowledge the same.

Notary Public, _____ County, Wis.

My commission is permanent. (If not, state expiration date:
_____)FEE
EXEMPT

17

THE SPACE RESERVED FOR RECORDING DATA

NAME AND RETURN ADDRESS

Scott R. Reif
Reif & Kendall
P.O. Box 153
Randolph, WI 53956

178-0140-00000

KENDALL IDENTIFICATION NUMBER

928933

VOL 1133 PAGE 527

Document Number

GROUNDWATER USE RESTRICTION

Office of Register of Deeds
Dodge County, WI
RECEIVED FOR RECORD

MAY 4 2001

at 2:00 o'clock P. M.

CHRIS PLANASCH - Registrar

Declaration of Restrictions

In Re: The property described in Exhibit A, (Warranty Deed, Vol. 1011, Page 586, Dodge County Register of Deeds) hereby attached and made a part of this restriction.

STATE OF WISCONSIN)

) ss

COUNTY OF DODGE)

Recording AreaName and Return Address

Reif & Kendall
P.O. Box 153
Randolph, WI.

WHEREAS, Supermart, LLC, a Wisconsin corporation is the owner of the above-described property.

176-1213-0632-014

Parcel Identification Number (PIN)

WHEREAS, one or more petroleum discharges have occurred on this property. Benzene, trimethylbenzenes, and naphthalene contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at the following location(s) on the following date(s): benzene, trimethylbenzenes, and naphthalene in Monitoring Well 3 (MW3) at 29 micrograms per liter (ug/l), 1,590 ug/l, and 200 ug/l respectively on May 15, 2000, and benzene in MW2 at 6 ug/l on May 15, 2000, and benzene and trimethylbenzenes in MW5 at 21 ug/l and 507 ug/l respectively on May 15, 2000. The locations of MW2, MW3 and MW5 are identified on Exhibit B, hereby attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code, is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

Signature: *Donald Burchan*
Printed Name: Donald Burchan
Title: Notary

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Donald Burcham asserts that he/she is duly authorized to sign this document on behalf of Supermart, LLC, a Wisconsin corporation.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 30th day of April, 2001.

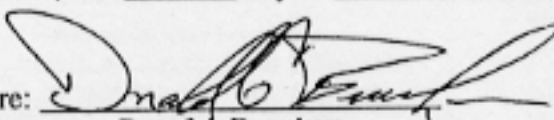
Signature: 
Printed Name: Donald Burcham
Title: Member

EXHIBIT A

VOL 1011 PAGE 586

882358

STATE BAR OF WISCONSIN FORM 1 - 1993
WARRANTY DEED

DOCUMENT NO.

This Deed, made between Werner Minnieand Supermart, LLC

Witnesseth, That the said Grantee, for a valuable consideration

conveys to Grantee the following described real estate in Dodge
County State of Wisconsin:

All that part of Lots 1 and 2,
Block 1, Plat 1, of the Revised
and Consolidated Plat of the
Village of Randolph, lying
North of the alley running
through said Lots as now
located, in the Village of Randolph, Dodge County, Wisconsin.

THIS DEED IS GIVEN IN SATISFACTION OF THAT CERTAIN LAND CONTRACT
DATED JULY 1, 1997, AND RECORDED ON JULY 3, 1997, IN VOLUME 927
OF RECORDS AT PAGE 278, AS DOCUMENT NO. 847203.

This is not homestead property
(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)

Together with all and singular the hereditaments and appurtenances thereto belonging
And Grantor

warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal
and zoning ordinances, recorded easements for public
utilities, recorded building and use restrictions and covenants,

and will warrant and defend the same.

Dated this 8th day of JANUARY 19 99

(SEAL)

Werner Minnie

(SEAL)

• Werner Minnie

(SEAL)

(SEAL)

AUTHENTICATION

Signature(s) Werner Minnieauthenticated by 8th day of JANUARY 19 99• Scott R. Reif

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not
authorized by §706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

SCOTT R. REIF, REIF & KENDALLRANDOLPH, WISCONSIN 53956(Signatures may be authenticated or acknowledged. Both are not
necessary.)

ACKNOWLEDGMENT

State of Wisconsin,

County

Personally came before me this 8th day of JANUARY 19 99, the above namedto me known to be the person who executed the foregoing
instrument and acknowledge the same.Notary Public, County Wis.My commission is permanent. (If not, state expiration date: 10)

Names of persons signing in any capacity should be typed or printed below their signatures

Office of Register of Deeds
Dodge County, WI
RECEIVED FOR RECORD
JAN 15 1999
at 3:00 o'clock P. M.
Christina R. Reif
REGISTERED

FEE
EXEMPT# 17

THIS SPACE RESERVED FOR RECORDING DATA

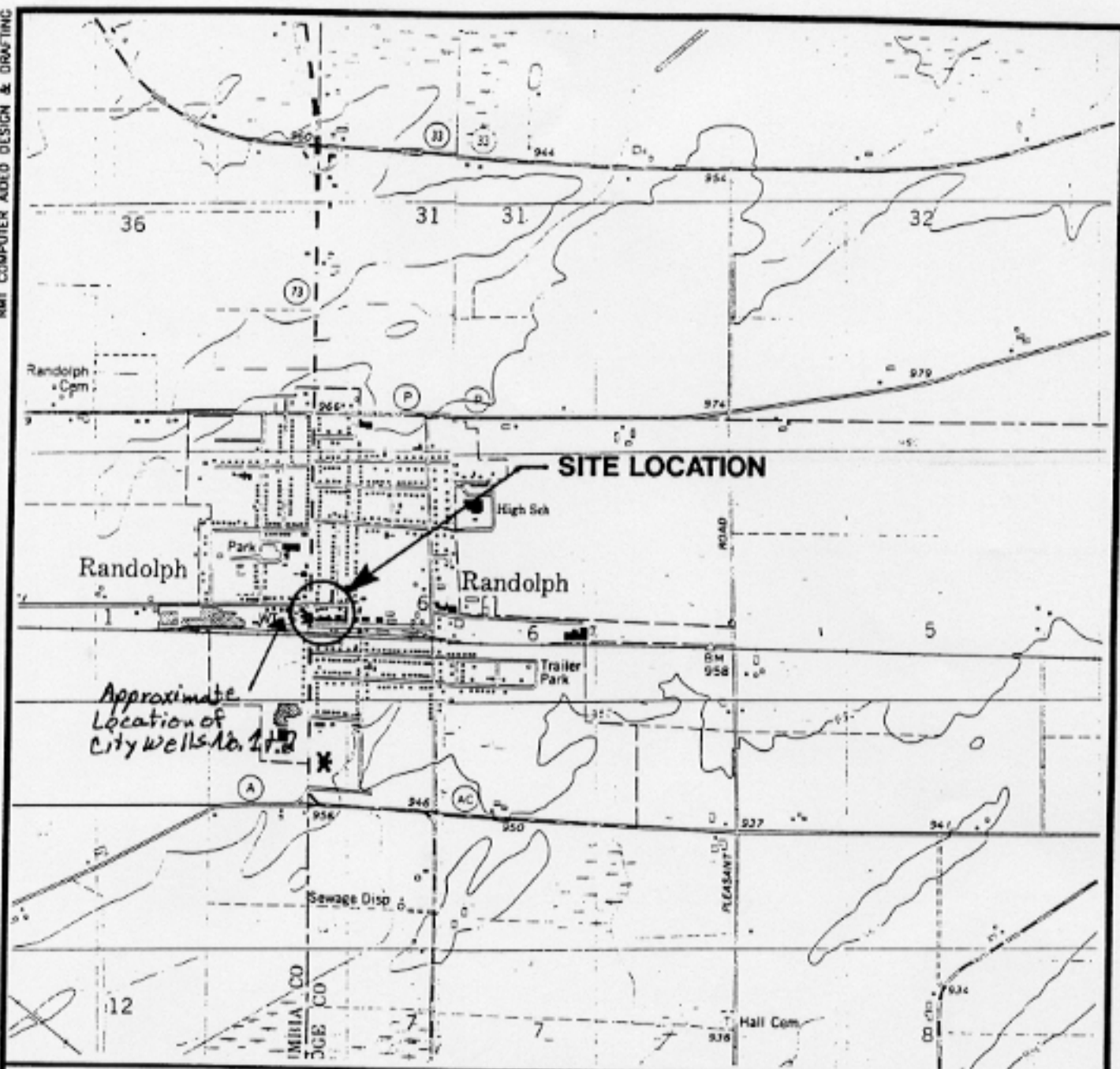
NAME AND RETURN ADDRESS

Scott R. Reif
Reif & Kendall
P.O. Box 153
Randolph, WI 53956

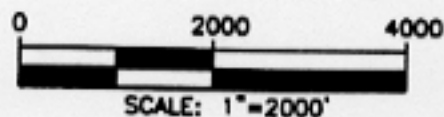
176-0140-00000

NOTARY IDENTIFICATION NUMBER

[illegible]



STATE LOCATION



SITE LOCATOR MAP **EAGLE MART** **RANDOLPH, WISCONSIN**

SOURCE: BASE MAP FROM RANDOLPH (1980) & FOX LAKE (1980) 7.5 MIN. USGS QUADRANGLE.



RMT

DWN. BY:	RBN
APPROVED BY:	[Signature]
DATE:	JANUARY 1998
PROJ. /	4292.04
FILE /	42920401.DWG

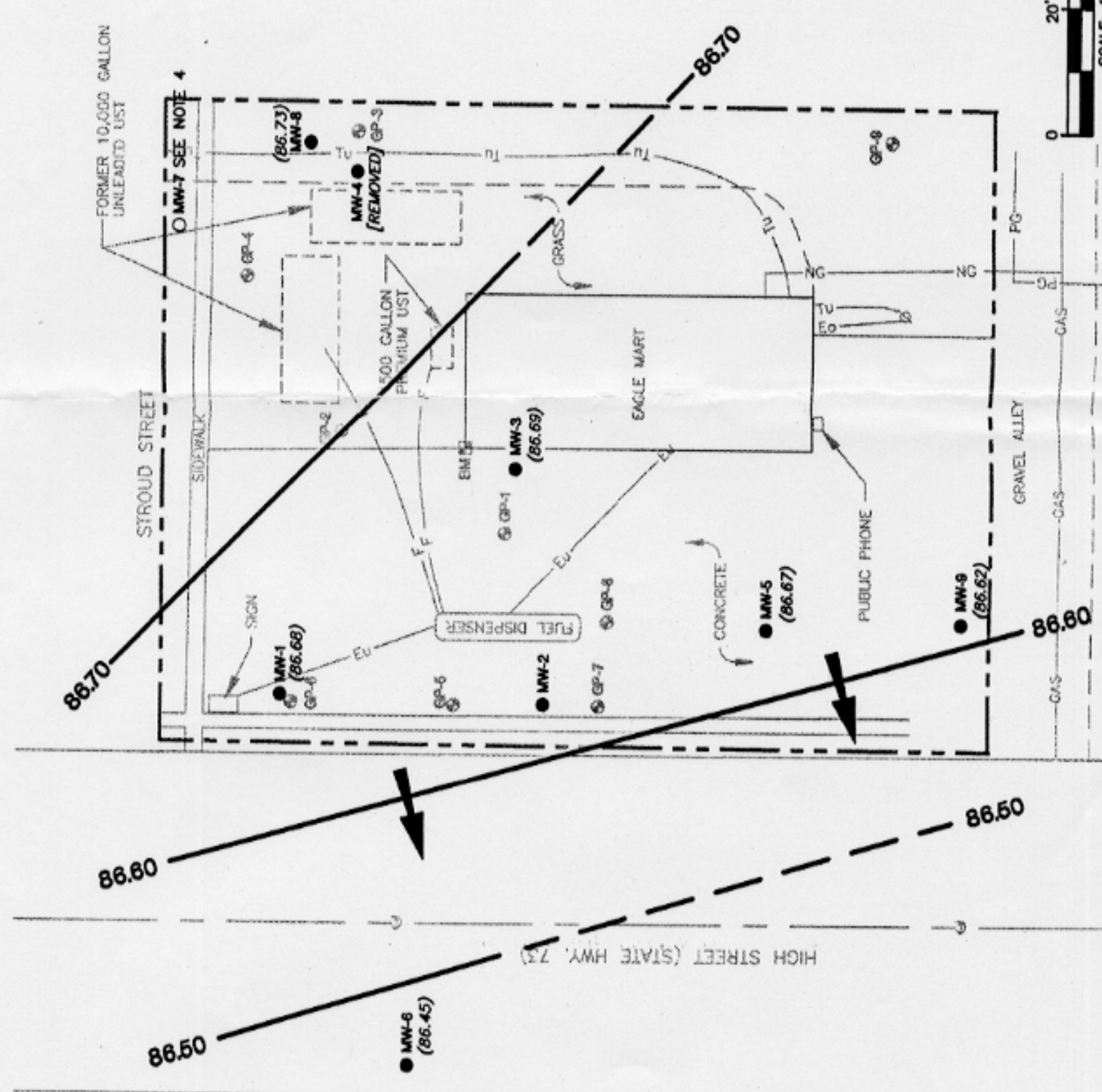
FIGURE 1

MW-1D
MW-1E
(NM)

Plot File = J:\u4292\08\42920601.dwg
User ID =
Scale = 1:20,000,000
Rotation = 90.000000
Plot Date = Thu Jun 08 14:14:38 2000
Attached Xrefs: No xrefs attached.

LEGEND

- GP-4 GEOPROBE SOIL BORING LOCATION
- MW-2 MONITORING WELL LOCATION
- MW-1D PIEZOMETER LOCATION
- BM SITE BENCHMARK
- MW-7 (PROPOSED) SEE NOTE 4
- APPROXIMATE PROPERTY BOUNDARY
- TG UNDERGROUND TELEPHONE LINE
- EU UNDERGROUND ELECTRICAL LINE
- EG OVERHEAD ELECTRICAL LINE
- GAS NATURAL GAS PIPELINE
- PG PROPANE LINE
- F FUEL DISPENSER LINE
- 86.70 GROUNDWATER CONTOUR LINE
CONTOUR INTERVAL = 0.1 FEET
(DASHED WHERE INFERRED)
- (86.73) WATER TABLE ELEVATION
(FEET ABOVE LOCAL DATUM)
- (NM) NOT MEASURED
- GROUNDWATER FLOW DIRECTION



NOTES:

- WELLS MW-11D AND MW-11E ARE PART OF THE FORMER ROCKWELL SITE INVESTIGATION. THE REFERENCE ELEVATION FOR MW-11E WAS SURVEYED BY RMT. SINCE BOTH WELLS ARE FLUSH MOUNTS, THE REFERENCE ELEVATION FOR MW-11E HAS BEEN APPLIED TO MW-11D AND THE RESULTING GROUNDWATER ELEVATION IS APPROXIMATE. WATER LEVELS IN THE PIEZOMETERS ARE NOT USED IN THE INTERPRETATION OF THE WATER TABLE SURFACE. THESE WELLS ARE SCREENED IN THE ST. PETER SANDSTONE BELOW THE DOLOMITE.
- WELL MW-4 WAS REMOVED DURING TANK REMOVAL ACTIVITIES IN JULY 1997.
- WATER TABLE ELEVATION MEASUREMENT AT MW-2 IS QUESTIONABLE AND WAS NOT USED TO GENERATE THIS WATER TABLE MAP.
- NOT INSTALLED DUE TO INTERFERENCE WITH OVERHEAD UTILITIES.

WATER TABLE MAP
(MAY 21, 1998)
EAGLE MART
RANDOLPH, WISCONSIN



DRAWN BY: SIEWERTD
APPROVED BY:
DATE: MARCH 2000
PROJECT: 4292.06
FILE: 42920601.DWG

FIGURE 1

